

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application based on the following.

Formal Matters

Claims 1-30 are currently pending in the application.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed on November 13, 2007.

Summary of Telephone Interview

Applicant thanks the Examiner for the telephone interview of February 19, 2008. In the interview, the Examiner stated that he believes the present invention is merely an implementation of RRC protocol as presented in 3GPP, so that the features recited in the present claims are inherent or obvious to a person of ordinary skill in the art. The Examiner said that to overcome his rejections, the present invention would have to be distinguished from 3GPP by pointing out features that are enhancements to, or advantages over, 3GPP. Applicant respectfully disagrees with the Examiner's position; applicant believes that an implementation of a protocol can be patented, as discussed below.

Rejection of Claims Under 35 U.S.C. §103

Claims 1-12 and 18-30 are rejected under 35 U.S.C. § 103 (a) as unpatentable over the 3GPP ETSI TS 125331 "UMTS RRC Protocol Specification" (hereinafter "3GPP") in view of Tim Forrester, U.S. Patent Application Publication No. 2002/0173284 (hereinafter "Forrester"). This rejection should be withdrawn based on the comments and remarks herein.

An implementation of a protocol can be a novel product for which a patent can be obtained. For example, U.S. Patent No. 7,337,217 to Wang teaches implementing the DHCP protocol in which clients resort to auto-configuration as described in IETF Draft "draft-ietf-dhc-

ipv4-autoconfig-04.txt (see column 19, lines 26-34). If the Examiner disagrees, the Applicant respectfully requests that the Examiner provide specific references in support of his position.

Regarding independent claims 1, 2 and 3, the Examiner asserts that the 3GPP's teaching of "TFCI range method, Section 10.3.5.14, means for handling TFCI range method" discloses "a parameter calculation check unit for checking, according to transport format data contained in the transmission parameter, whether the process parameter concerning a pertinent transport format combination has been calculated". Applicant respectfully disagrees. 3GPP does not disclose or suggest determining if a parameter is calculated; instead, a chart containing various parameters is taught. Hence, the feature of a parameter calculation check unit checking whether the process parameter has been calculated, as recited in independent claims 1-3, is not disclosed or suggested by 3GPP. Forrester does not overcome this deficiency and the Examiner does not state otherwise. Determining whether the process parameter has been calculated reduces the need for re-calculation of process parameters and, in accordance with one of the objectives of the present invention, reduces the consumed power.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of 3GPP and Forrester does not disclose or suggest a parameter calculation check unit checking whether the process parameter has been calculated, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1-3. Thus *prima facie* obviousness has not been established, so that these independent claims are distinguishable over the art of record in the application. Claims 4-12 and 18-21 depend from claims 2 and/or 3, so

that these dependent claims are patentable over the art of record for at least the reasons that their base claims are patentable over the art of record in the application.

Independent claims 22-24 and 28-30 also stand rejected. The Examiner acknowledges that 3GPP does not disclose or suggest a process parameter buffer so that 3GPP cannot teach holding calculated parameters in storage function parts. 3GPP also does not disclose or suggest high utilization frequency parameters and does not disclose or suggest reading out and utilizing parameters held in storage function parts for high utilization frequency parameters. The Examiner asserts that Forrester discloses using memory to store process parameters and means for reading out the contents of memory. However, Forrester does not overcome the deficiencies of 3GPP in that Forrester does not teach high utilization frequency parameters and using these parameters for reading out the contents of memory, and the Examiner does not state otherwise.

Having high utilization frequency parameters reduces the need for re-calculation of process parameters and, in accordance with one of the objectives of the present invention, reduces the consumed power. The hypothetical combination of 3GPP and Forrester does not teach or suggest high utilization frequency parameters and does not teach or suggest each limitation of independent claims 22-24 and 28-30, so that *prima facie* obviousness has not been established. Claims 25-27 depend from claims 23 and/or 24, so that these dependent claims are patentable over the art of record for at least the reasons that their base claims are patentable over the art of record in the application.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claim 13 is rejected under 35 U.S.C. § 103 (a) as unpatentable over 3GPP in view of Tim Forrester, and further in view of Lee, et al., U.S. Patent Application Publication No. 2002/0082020 (hereinafter “Lee”). This rejection should be withdrawn based on the comments and remarks herein.

Claim 13 depends from independent claim 2. As discussed above, claim 2 is patentably distinguishable over 3GPP and Forrester which do not teach or suggest a parameter calculation check unit for checking whether the process parameter has been calculated. Lee does not overcome this deficiency, and the Examiner does not state otherwise. Thus, claim 13 is patentably distinguishable over the art of record in the application for at least the reasons that its base claim is patentably distinguishable over the art of record in the application. Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claims 14-17 are rejected under 35 U.S.C. § 103 (a) as unpatentable over 3GPP in view of Lee. This rejection should be withdrawn based on the comments and remarks herein.

Claims 14 and 16 depend from independent claim 2, and claims 15 and 17 depend from independent claim 3. As discussed above, claims 2 and 3 are patentably distinguishable over 3GPP and Lee which do not teach or suggest a parameter calculation check unit for checking whether the process parameter has been calculated. Thus, claims 14-17 are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record in the application. Withdrawal of this rejection is respectfully requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



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